

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL C. HOLLATZ,
DAN M. RIGHI,
JOSEPH C. STEINLICHT,
and
KURT E. SUNDERMAN

Appeal No. 1997-0805
Application No. 08/314,189

ON BRIEF

Before JERRY SMITH, RUGGIERO, and DIXON, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-22, which are all of the claims pending in the present application.

The claimed invention relates to automatic telephone call

distribution in which agents located at agent telephone units are grouped into skill groups by agent skills. Each agent is assigned one or more agent-skill indicators and agents are arranged into skill groups based on agent skills. Within each skill group, a proficiency rating is assigned to each agent that is indicative of the proficiency of that agent in the skill of the particular skill group. On receipt of an incoming telephone call, a call-skill indicator is identified which is deemed useful in satisfying the needs of the caller. The call-skill indicator is matched with a corresponding matched agent skill group and a connection is made with a particular agent based on the proficiency ratings of agents in the matched skill group.

Claim 1 is illustrative of the invention and reads as follows:

1. A method for selecting one of a plurality of agents to receive an incoming telephone call from a caller, the method comprising the steps of:

associating at least one agent-skill indicator with each of the agents, the agent-skill indicator being representative of at least one skill of each of the agents;

grouping the agents into skill groups based on the agent-skill indicators;

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assigning a proficiency rating for each of the agent-skill indicators associated with each of the agents, the proficiency rating being representative of the proficiency of each of the agents in the skill represented by the agent-skill indicator;

identifying a call-skill indicator deemed useful in satisfying a need of the caller;

matching the call-skill indicator with one of the at least one agent-skill indicator, the matched agent-skill indicator having a corresponding matched skill group; and

connecting one of the agents in the matched skill group to the caller based on the proficiency ratings of the agents in the matched skill group.

The Examiner relies on the following prior art:

Kohler et al. (Kohler)	5,206,903	Apr. 27, 1993
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Claims 1-22 stand finally rejected under 35 U.S.C.

§ 102(b) as being anticipated by Kohler.

Rather than reiterate the arguments of Appellants and the Examiner, reference is made to the Brief (Paper No. 14) and Answer (Paper No. 15) for the respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner, and the evidence of anticipation relied upon by the Examiner as

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support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellants' arguments set forth in the Brief along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

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It is our view, after consideration of the record before us, that the Kohler reference does not fully meet the invention as set forth in claims 1-22. Accordingly, we reverse.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys., Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.), cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore & Assocs. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to independent claims 1, 10, and 18, the Examiner attempts (Answer, page 3) to read the various limitations on the disclosure of Kohler. In particular, the Examiner, pointing to the description at column 5, lines 50-65 in Kohler, asserts the equivalence of the skill indicator representation assigned to an agent in Kohler and the "proficiency rating" set forth in the appealed claims.

After reviewing Appellants' arguments in response (Brief,

pages 6 and 7), we are in agreement with Appellants' position as stated in the Brief. Our interpretation of the disclosure of Kohler coincides with that of Appellants, i.e., while a skill level indicator is assigned to an agent who meets a threshold level of knowledgeability concerning a particular skill area, there is no disclosure of any assigned rating which would indicate the relative proficiency of the agent in that skill area as claimed by Appellants. As illustrated in Kohler's Figures 3 and 6, along with the accompanying description at columns 5-7, call agents are assigned a skill indicator representative of their ability to answer questions concerning a particular area of information. In the travel information service example provided by Kohler, agents 1, 2, and 3 are assigned skill level 1 indicative of their knowledgeability about the state of Maine which is arbitrarily given the skill level designation 1. There is no way of knowing, however, which of the three agents 1, 2, or 3 has a higher proficiency of knowledge about Maine relative to one another in order that an incoming call query concerning Maine may be assigned to an agent with the highest proficiency rating.

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In view of the above discussion, it is our opinion that, since all of the claim limitations are not present in the disclosure of Kohler, the Examiner's 35 U.S.C. § 102(b) rejection of claims 1-22 can not be sustained. Therefore, the decision of the Examiner rejecting claims 1-22 is reversed.

REVERSED

JERRY SMITH)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
JOSEPH F. RUGGIERO)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
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